

Remarks

Method claim 9 is clearly patentable in light of the references of record. Neither Rajnik nor Goldsmith disclose or suggest the separation of a gas-phase permeate from a feedstock using a sweep fluid that is flowed through a sweep fluid inlet port, longitudinal permeate chambers in a membrane device, and a sweep fluid outlet port.

The Examiner has issued a provisional rejection based on copending application 10/676,671. While copending application '671 has the same structure, the purpose of circulation of permeate (not sweep fluid) in a co-current direction with feedstock is to maintain a relatively uniform transmembrane pressure along the length of the membrane module. This is a different process from the use of a sweep fluid. Thus, this objection is obviated by dropping the device claim in the present application and using a method claim that is distinguishably different from any claim or specification content in '671

The devices of Rajnik have egress channels other than at the end of the devices (see all figures which show the sides of Rajnik devices, figures 2, 8, 24, 25 and 26a, and the egress channels are distant from the ends). There is no indication in Rajnik that the egress channels are, or should be, proximate the ends of the device and configured in a way that the flow through Rajnik's second set of passageways should flow longitudinally along the length of the device. Rather, Rajnik teaches away from this by showing multiple egress channels which would preclude circulating a fluid along the full length of the device. Thus, the egress conduits of Rajnik are fundamentally impractical for use of a sweep fluid. Similarly, even though Rajnik mentions the possible use of a sweep fluid (column 6, lines 39-43), the egress channels of Rajnik are fundamentally flawed for this purpose also, because they do not allow for circulation of a sweep fluid along substantially the length of his devices.

Goldsmith patent no. 4,781,831 has also been cited for rejection of claims. Goldsmith '831 employs permeate conduits only for permeate extraction, and does not suggest in any way use of these conduits for circulation of a sweep fluid. Further, no permeate port is shown in the drawings of '831.

As the references do not disclose the structure or the function of claim 9, under the law of 35 U.S.C. section 103, the claims must be patentable over the references.

If for any reason this Response is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned in Westborough, Massachusetts, (508) 898-1501.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Brian M. Dingman', with a stylized flourish at the end.

Brian M. Dingman

Reg. No. 32,729

Customer number 28534